

ATTACHMENT II
Text of Proposed Revisions to 19 TAC

Chapter 97. Planning and Accountability

Subchapter EE. Accreditation Status, Standards, and Sanctions

§97.1051. Definitions.

For purposes under Texas Education Code (TEC), Chapter 39, and this subchapter, the following words and terms shall have the following meaning, unless the context clearly indicates otherwise:

- (1) Board of managers--A board appointed by the commissioner of education to serve as a governing body that must, if possible, include:
 - (A) community leaders;
 - (B) business representatives who have expertise in leadership; and
 - (C) individuals who have knowledge or expertise in the field of education.
- (2) ~~(1)~~ Board of trustees--The definition of this term includes a governing body of a charter holder as defined by TEC, §12.1012.
- (3) ~~(2)~~ Campus--An organizational unit operated by the school district that is eligible to receive a campus performance rating in the state accountability rating system under §97.1001 of this title (relating to Accountability Rating System), including a rating of Not Rated or Not Rated: Data Integrity Issues. The definition of this term includes a charter school campus as defined by §100.1001(3)(C) of this title (relating to Definitions).
- ~~(3) Campus closure--Cessation of all instructional activity on the campus in each grade level served in the school year immediately preceding the closure of the campus. An order of closure does not preclude the district from reusing the facility for another purpose such as administration, storage, or instruction in other grades not served during the school year immediately preceding the closure of the campus.~~
- (4) Campus turnaround--A comprehensive change in an academically unacceptable campus that produces significant and sustainable gains in achievement within two years. For the purposes of this chapter, the term "academically unacceptable" performance means a rating of Academically Unacceptable, AEA: Academically Unacceptable, Improvement Required, or Unacceptable Performance or as otherwise indicated in the applicable year's academic accountability manual.
- (5) ~~(4)~~ Charter school--This term has the meaning assigned by §100.1001(3) of this title. References to a charter school in TEC, Chapter 39, and rules adopted under it, shall mean either the board of trustees or the school district, as appropriate.
- (6) ~~(5)~~ Charter school site--This term has the meaning assigned by §100.1001(3)(D) of this title.
- (7) District coordinator of school improvement (DCSI)--An employee of a school district in a leadership position in school improvement, in curriculum and instruction, or in another position with responsibility for student performance.
- (8) ~~(6)~~ Newspaper of general circulation--A newspaper, as defined in Texas Government Code, §2051.044, that has more than a minimum number of subscribers among a particular geographic region, that has a diverse subscribership, and that publishes some news items of general interest to the community.
- (9) ~~(7)~~ Person--This term has the meaning assigned by the Code Construction Act, Government Code, §311.005(2), and includes a school district.

(10) Professional service provider (PSP)--An educator who has been vetted to provide on-site technical assistance for underperforming schools and districts either by the Texas Education Agency (TEA) or the TEA's technical assistance provider.

~~[(8) Reconstitution]~~

~~[(A) The removal or reassignment of some or all campus administrative and/or instructional personnel in accordance with at least the minimum requirements of TEC, §39.107, taking into consideration proactive measures the district or campus has taken regarding campus personnel; and]~~

~~[(B) the implementation of a campus redesign, approved by the commissioner of education, that:]~~

~~[(i) provides a rigorous and relevant academic program:]~~

~~[(ii) provides personal attention and guidance:]~~

~~[(iii) promotes high expectations for all students; and]~~

~~[(iv) addresses comprehensive school-wide improvements that cover all aspects of a school's operations, including, but not limited to, curriculum and instruction changes, structural and managerial innovations, sustained professional development, financial commitment, and enhanced involvement of parents and the community:]~~

(11) [9] School district and district--The definition of these terms includes a charter operator, which is the same as a charter holder as defined by TEC, §12.1012.

§97.1055. Accreditation Status.

(a) General provisions.

(1) Each year, the commissioner of education shall assign to each school district an accreditation status under Texas Education Code (TEC), §39.052(b) and (c). Each district shall be assigned a status defined as follows.

(A) Accredited. Accredited means the Texas Education Agency (TEA) recognizes the district as a public school of this state that:

(i) meets the standards determined by the commissioner under TEC, §39.052(b) and (c), and specified in §97.1059 of this title (relating to Standards for All Accreditation Sanction Determinations); and

(ii) is not currently assigned an accreditation status of Accredited-Warned or Accredited-Probation.

(B) Accredited-Warned. Accredited-Warned means the district exhibits deficiencies in performance, as specified in subsection (b) of this section, that, if not addressed, will lead to probation or revocation of its accreditation status.

(C) Accredited-Probation. Accredited-Probation means the district exhibits deficiencies in performance, as specified in subsection (c) of this section, that must be addressed to avoid revocation of its accreditation status.

(D) Not Accredited-Revoked. Not Accredited-Revoked means the TEA does not recognize the district as a Texas public school because the district's performance has failed to meet standards adopted by the commissioner under TEC, §39.052(b) and (c), and specified in subsection (d) of this section.

(2) The commissioner shall assign the accreditation status, as defined by this section, based on the performance of each school district. This section shall be construed and applied to achieve the purposes of TEC, §39.051 and §39.052, which are specified in §97.1053(a) of this title (relating to Purpose).

- (3) The commissioner shall revoke the accreditation status of a district that fails to meet the standards specified in this section. In the event of revocation, the purposes of the TEC, §39.051 and §39.052, are to:
 - (A) inform the parents of students enrolled in the district, property owners in the district, general public, and policymakers that the TEA does not recognize the district as a Texas public school because the district's performance has failed to meet standards adopted by the commissioner under TEC, §39.052(b) and (c), and specified in subsection (d) of this section; and
 - (B) encourage other districts to improve their performance so as to retain their accreditation.
 - (4) Unless revised as a result of investigative activities by the commissioner as authorized under TEC, Chapter 39, or other law, an accreditation status remains in effect until replaced by an accreditation status assigned for the next school year. An accreditation status shall be revised within the school year when circumstances require such revision in order to achieve the purposes specified in §97.1053(a) of this title.
 - (5) An accreditation status will be withheld pending completion of any appeal or review of an academic accountability rating, a financial accountability rating, or other determination by the commissioner, but only if such appeal or review is:
 - (A) specifically authorized by commissioner rule;
 - (B) timely requested under and in compliance with such rule; and
 - (C) applicable to the accreditation status under review.
 - (6) An accreditation status may be withheld pending completion of on-site or other investigative activities in order to achieve the purposes specified in §97.1053(a) of this title.
 - (7) An accreditation status may be raised or lowered based on the district's performance or may be lowered based on the performance of one or more campuses in the district that is below a standard required under this chapter or other applicable law.
 - (8) For purposes of determining multiple years of academically unacceptable or insufficient performance, the academic accountability ratings issued for the 2010-2011 school year and for the 2012-2013 school year are consecutive. An accreditation status assigned for the 2012-2013 school year shall be based on assigned academic accountability ratings for the applicable prior school years, as determined under subsections (b)-(d) of this section.
 - (9) Accreditation statuses are consecutive if they are not separated by an accreditation period in which the TEA assigned accreditation statuses to districts and charter schools generally. For example, if TEA does not assign accreditation statuses to districts and charter schools generally for the 2012-2013 school year, then the accreditation statuses issued for the 2011-2012 school year and for the 2013-2014 school year are consecutive.
- (b) Determination of Accredited-Warned status.
- (1) A district shall be assigned Accredited-Warned status if, beginning with its 2006 rating, the district is assigned:
 - (A) for two consecutive school years, an unacceptable academic accountability rating as indicated in the applicable year's accountability manual adopted under §97.1001 of this title (relating to Accountability Rating System);
 - (B) for two consecutive school years, a financial accountability rating of Substandard Achievement as indicated in the applicable year's financial accountability system manual adopted under §109.1001 ~~[or Suspended Data Quality under §109.1002]~~ of this title (relating to Financial Accountability Ratings);
 - (C) for two consecutive school years, any one of the ratings referenced in subparagraphs (A) and (B) of this paragraph; or

- (D) for one school year, a combination of ratings referenced in both subparagraphs (A) and (B) of this paragraph.
- (2) Notwithstanding the district's performance under paragraph (1) of this subsection, a district shall be assigned Accredited-Warning status if the commissioner determines this action is reasonably necessary to achieve the purposes of TEC, §39.051 and §39.052. Such action is generally required by the following circumstances:
 - (A) to an extent established under subsection (e) of this section, the district has failed to comply with requirements related to:
 - (i) the integrity of assessment or financial data used to measure performance under TEC, Chapter 39 or 42, and rules implementing those chapters;
 - (ii) the reporting of data under TEC, §42.006, and §61.1025 of this title (relating to Public Education Information Management System (PEIMS) Data and Reporting Standards);
 - (iii) other reports required by state or federal law or court order;
 - (iv) awarding high school graduation under TEC, §28.025; or
 - (v) any applicable requirement under TEC, §7.056(e)(3)(C)-(I); or
 - (B) after review and/or investigation under TEC, §39.056 or §39.057, the commissioner finds:
 - (i) the district's programs monitored under §97.1005 of this title (relating to Performance-Based Monitoring Analysis System) exhibit serious or persistent deficiencies that, if not addressed, may lead to probation or revocation of the district's accreditation; or
 - (ii) the district otherwise exhibits serious or persistent deficiencies that, if not addressed, may lead to probation or revocation of the district's accreditation.
- (3) Notwithstanding paragraph (2) of this subsection, a district shall be assigned Accredited-Warning status if the commissioner determines this action is reasonably necessary to achieve the purposes of TEC, §39.051 and §39.052.
- (c) Determination of Accredited-Probation status.
 - (1) A district shall be assigned Accredited-Probation status if, beginning with its 2006 rating, the district is assigned:
 - (A) for three consecutive school years, an unacceptable academic accountability rating as indicated in the applicable year's accountability manual adopted under §97.1001 of this title;
 - (B) for three consecutive school years, a financial accountability rating of Substandard Achievement as indicated in the applicable year's financial accountability system manual adopted under §109.1001 ~~[or Suspended Data Quality under §109.1002]~~ of this title;
 - (C) for three consecutive school years, any one of the ratings referenced in subparagraphs (A) and (B) of this paragraph; or
 - (D) for two consecutive school years, a combination of ratings referenced in both subparagraphs (A) and (B) of this paragraph.
 - (2) Notwithstanding the district's performance under paragraph (1) of this subsection, a district shall be assigned Accredited-Probation status if the commissioner determines this action is reasonably necessary to achieve the purposes of TEC, §39.051 and §39.052. Such action is generally required by the following circumstances:
 - (A) to an extent established under subsection (e) of this section, the district has failed to comply with requirements related to:

- (i) the integrity of assessment or financial data used to measure performance under TEC, Chapter 39 or 42, and rules implementing those chapters;
 - (ii) the reporting of data under TEC, §42.006, and §61.1025 of this title;
 - (iii) other reports required by state or federal law or court order;
 - (iv) awarding high school graduation under TEC, §28.025; or
 - (v) any applicable requirement under TEC, §7.056(e)(3)(C)-(I); or
 - (B) after review and/or investigation under TEC, §39.056 or §39.057, the commissioner finds:
 - (i) the district's programs monitored under §97.1005 of this title exhibit serious or persistent deficiencies that, if not addressed, may lead to revocation of the district's accreditation; or
 - (ii) the district otherwise exhibits serious or persistent deficiencies that, if not addressed, may lead to revocation of the district's accreditation.
 - (3) Notwithstanding paragraph (2) of this subsection, a district shall be assigned Accredited-Probation status if the commissioner determines this action is reasonably necessary to achieve the purposes of TEC, §39.051 and §39.052.
- (d) Determination of Not Accredited-Revoked status; Revocation of accreditation.
- (1) The accreditation of a district shall be revoked if, beginning with its 2006 rating, the district is assigned:
 - (A) for four consecutive school years, an unacceptable academic accountability rating as indicated in the applicable year's accountability manual adopted under §97.1001 of this title;
 - (B) for four consecutive school years, a financial accountability rating of Substandard Achievement as indicated in the applicable year's financial accountability system manual adopted under §109.1001 ~~[or Suspended Data Quality under §109.1002]~~ of this title;
 - (C) for four consecutive school years, any one of the ratings referenced in subparagraphs (A) and (B) of this paragraph; or
 - (D) for three consecutive school years, a combination of ratings referenced in both subparagraphs (A) and (B) of this paragraph.
 - (2) A district shall have its accreditation revoked if, notwithstanding its performance under paragraph (1) of this subsection, the commissioner determines this action is reasonably necessary to achieve the purposes of TEC, §39.051 and §39.052. Such action is generally required by the following circumstances:
 - (A) to an extent established under subsection (e) of this section, the district has failed to comply with requirements related to:
 - (i) the integrity of assessment or financial data used to measure performance under TEC, Chapter 39 or 42, and rules implementing those chapters;
 - (ii) the reporting of data under TEC, §42.006, and §61.1025 of this title;
 - (iii) other reports required by state or federal law or court order;
 - (iv) awarding high school graduation under TEC, §28.025; or
 - (v) any applicable requirement under TEC, §7.056(e)(3)(C)-(I); or
 - (B) after review and/or investigation under TEC, §39.056 or §39.057, the commissioner finds:

- (i) the district's programs monitored under §97.1005 of this title exhibit serious or persistent deficiencies that require revocation of the district's accreditation; or
 - (ii) the district otherwise exhibits serious or persistent deficiencies that require revocation of the district's accreditation.
- (3) Notwithstanding paragraph (2) of this subsection, a district's accreditation shall be revoked if the commissioner determines this action is reasonably necessary to achieve the purposes of TEC, §39.051 and §39.052.
- (4) The commissioner's decision to revoke a district's accreditation may be reviewed under Chapter 157, Subchapter EE, of this title (relating to Informal Review, Formal Review, and Review by State Office of Administrative Hearings). If, after review, the decision is sustained, the commissioner shall appoint a management team or board of managers to bring to closure the district's operation of the public school.
- (5) Issuance of an accreditation status of Not Accredited-Revoked does not invalidate a diploma awarded, course credit earned, or grade promotion granted by a school district before the effective date of the annexation of the district.
- (e) Legal compliance. In addition to the district's performance as measured by ratings under §97.1001 and §109.1001 ~~§109.1002~~ of this title, the accreditation status of a district is determined by its compliance with the statutes and rules specified in TEC, §39.052(b)(2). Notwithstanding satisfactory or above satisfactory performance on other measures, a district's accreditation status may be assigned based on its legal compliance alone, to the extent the commissioner determines necessary. In making this determination, the commissioner:
 - (1) shall assign the accreditation status that is reasonably calculated to accomplish the applicable provisions specified in §97.1053(a) of this title;
 - (2) may impose, but is not required to impose, an accreditation sanction under this subchapter in addition to assigning a status under paragraph (1) of this subsection; and
 - (3) shall lower the status assigned and/or impose additional accreditation sanctions as necessary to achieve compliance with the statutes and rules specified in TEC, §39.052(b)(2).
- (f) Required notification of Accredited-Warned, Accredited-Probation, or Not Accredited-Revoked status.
 - (1) A district assigned an accreditation status of Accredited-Warned, Accredited-Probation, or Not Accredited-Revoked shall notify the parents of students enrolled in the district and property owners in the district as specified by this subsection.
 - (2) The district's notice must contain information about the accreditation status, the implications of such status, and the steps the district is taking to address the areas of deficiency identified by the commissioner. The district's notice shall use the format and language determined by the commissioner.
 - (3) Notice under this subsection must:
 - (A) not later than 30 calendar days after the accreditation status is assigned, appear on the home page of the district's website, with a link to the notification required by paragraph (2) of this subsection, and remain until the district is assigned the Accredited status; and
 - (B) appear in a newspaper of general circulation, as defined in §97.1051 of this title (relating to Definitions), in the district for three consecutive days as follows:
 - (i) from Sunday through Tuesday of the second week following assignment of the status; or
 - (ii) if the newspaper is not published from Sunday through Tuesday, then for three consecutive issues of the newspaper beginning the second week following assignment of the status; or

- (C) not later than 30 calendar days after the status is assigned, be sent by first class mail addressed individually to each parent of a student enrolled in the district and each property owner in the district; or
 - (D) not later than 30 calendar days after the status is assigned, be presented as a discussion item in a public meeting of the board of trustees conducted at a time and location that allows parents of students enrolled in the district and property owners in the district to attend and provide public comment.
- (4) A district required to act under this subsection shall send the following to the TEA via certified mail, return receipt requested:
- (A) the universal resource locator (URL) for the link required by paragraph (3)(A) of this subsection; and
 - (B) copies of the notice required by paragraph (3)(B) of this subsection showing dates of publication, or a paid invoice showing the notice content and its dates of publication; or
 - (C) copies of the notice required by paragraph (3)(C) of this subsection and copies of all mailing lists and postage receipts; or
 - (D) copies of the notice required by paragraph (3)(D) of this subsection and copies of the board of trustees meeting notice and minutes for the board meeting in which the notice was presented and publicly discussed.

§97.1059. Standards for All Accreditation Sanction Determinations.

- (a) The commissioner of education shall impose district and campus accreditation sanctions under this subchapter individually or in combination as the commissioner determines necessary to achieve the purposes identified in §97.1053 of this title (relating to Purpose).
- (b) In making a determination under subsection (a) of this section, the commissioner shall consider the seriousness, number, extent, and duration of deficiencies identified by the Texas Education Agency (TEA), and shall impose one or more accreditation sanctions on a district and its campuses as needed to address:
 - (1) each material deficiency identified by the TEA through its systems for district and campus accountability, including:
 - (A) an accreditation status under §97.1055 of this title (relating to Accreditation Status);
 - (B) an academic accountability rating under §97.1001 of this title (relating to Accountability Rating System);
 - (C) a financial accountability rating under §109.1001 [~~§109.1002~~] of this title (relating to Financial Accountability Ratings) or a financial audit or investigation;
 - (D) program effectiveness under §97.1071 of this title (relating to Special Program Performance; Intervention Stages) or other law;
 - (E) the results of a special accreditation investigation under Texas Education Code, §39.057;
 - (F) the results of an investigative report under Chapter 157, Subchapter EE, of this title (relating to Informal Review, Formal Review, and Review by State Office of Administrative Hearings); complaint investigation; special education due process hearing; or data integrity investigation, including an investigation of assessment or financial data; or
 - (G) other information related to subparagraphs (A)-(F) of this paragraph.
 - (2) any ongoing failures to address deficiencies previously identified or patterns of recurring deficiencies;
 - (3) any lack of district responsiveness to, or compliance with, current or prior interventions or sanctions;

- (4) any substantial or imminent harm presented by the deficiencies of the district or campus to the welfare of its students or to the public interest.
- (c) If the commissioner identifies a district and one or more of its campuses for accreditation sanction under subsection (a) of this section, the commissioner may elect to combine activities to be undertaken at the district and campus levels as needed to achieve the purposes of each sanction.
- (d) When making any campus-level determination under this subchapter, the commissioner shall also consider the district-level performance of the district on applicable academic, fiscal, and compliance standards.
- (e) The commissioner must review at least annually the performance of a district for which the accreditation status or academic accountability rating has been lowered due to insufficient student performance and may not raise the accreditation status or rating until the district has demonstrated improved student performance. If the review reveals a lack of improvement, the commissioner shall increase the level of state intervention and sanction unless the commissioner finds good cause for maintaining the current status.

[§97.1061, Interventions and Sanctions for Campuses.]

- ~~[(a) If a campus' performance is below any standard under Texas Education Code (TEC), §39.054(e), the commissioner of education shall take any action provided by TEC, Chapter 39, Subchapter E, to the extent the commissioner determines necessary. In addition, the commissioner may take either or both of the following actions, to the extent the commissioner determines necessary:]~~
 - ~~[(1) order a hearing before the commissioner at which the president of the board of trustees, the superintendent, and the campus principal shall appear and explain the campus' low performance, lack of improvement, and plans for improvement; or]~~
 - ~~[(2) establish a school community partnership team (SCPT) composed of members of the campus level planning and decision making committee established under TEC, §11.251, or this section and additional community representatives as determined appropriate by the commissioner.]~~
- ~~[(b) If a campus performance satisfies academic accountability standards under TEC, §39.054(e), for the current school year but would not satisfy standards under TEC, §39.054(e), if the standards to be used for the following school year were applied to the current school year, the commissioner may require the campus level planning and decision making committee established under TEC, §11.251, to revise and submit to the commissioner in an electronic format the portions of the campus improvement plan (CIP) developed under TEC, §11.253, that are relevant to those areas for which the campus would not satisfy performance standards.]~~
- ~~[(c) If the campus to which subsection (b) of this section applies is an open enrollment charter school, the school shall establish a campus level planning and decision making committee using the same procedures, as much as practicable, as those provided by TEC, §11.251(b) (e), and develop a CIP as provided by TEC, §11.253. The school shall submit its proposed procedures for approval by the commissioner prior to establishing the committee.]~~
- ~~[(d) On request of the commissioner, the campus to which subsection (c) of this section applies shall submit to the commissioner in an electronic format the portions of the CIP that are relevant to those areas for which the campus would not satisfy academic accountability standards.]~~
- ~~[(e) A SCPT established under this section shall continue from year to year until the commissioner determines that it may be discontinued.]~~
- ~~[(f) Notwithstanding the provisions of TEC, Chapter 39, Subchapter E, and this subchapter, if the commissioner determines that a campus subject to interventions or sanctions under this subchapter has implemented substantially similar intervention measures under federal accountability requirements, the commissioner may accept the substantially similar intervention measures as measures in compliance with this subchapter.]~~

§97.1061. Interventions and Sanctions for Campuses.

- (a) If a campus's performance is below any standard under Texas Education Code (TEC), §39.054(e), the campus shall engage in the Texas Accountability Intervention System (TAIS) continuous improvement process. The campus shall:
 - (1) assign members to a campus intervention team (CIT) as outlined in §97.1063 of this title (relating to Campus Intervention Team) and TEC, §39.106;
 - (2) establish a campus leadership team (CLT) that includes the campus principal and other campus leaders responsible for the development, implementation, and monitoring of the targeted improvement plan;
 - (3) conduct a data analysis related to areas of low performance;
 - (4) conduct a needs assessment based on the results of the data analysis, as follows.
 - (A) The needs assessment shall include a root cause analysis.
 - (B) Root causes identified through the needs assessment will be addressed in the targeted improvement plan and, if applicable, campus turnaround plan;
 - (5) create a targeted improvement plan, as follows.
 - (A) Input must be gathered from the principal; campus-level committee established under TEC, §11.251; parents; and community members, prior to the development of the targeted improvement plan, using the following steps.
 - (i) The campus must hold a public meeting at the campus. The campus shall take reasonable steps to conduct the meeting at a time and in a manner that would allow a majority of stakeholders to attend and participate. The campus may hold more than one meeting if necessary.
 - (ii) The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers or other media that reach the general public, and the parent liaison, if present on the campus.
 - (iii) All input provided by family and community members should be considered in the development of the final targeted improvement plan submitted to the Texas Education Agency (TEA).
 - (B) The completed targeted improvement plan must be presented at a public hearing and approved by the board of trustees.
 - (C) The targeted improvement plan must be submitted to the commissioner of education for approval according to TEA procedures and guidance; and
 - (6) monitor the implementation of the targeted improvement plan. The campus will submit updates to the TEA as requested that include:
 - (A) a description of how elements of the targeted improvement plan are being monitored; and
 - (B) data demonstrating the results of interventions from the targeted improvement plan.
- (b) If a campus is assigned an unacceptable rating under TEC, §39.054(e), for a second consecutive year, the campus must engage in the processes outlined in subsection (a) of this section, and the campus must develop a campus turnaround plan to be approved by the commissioner as described in §97.1064 of this title (relating to Campus Turnaround Plan).
- (c) If a campus is assigned an unacceptable rating under TEC, §39.054(e) for a third or fourth consecutive year, the campus must engage in the processes outlined in subsection (a) of this section, and the campus must implement the commissioner-approved campus turnaround plan as described in §97.1064 of this title (relating to Campus Turnaround Plan).

- (d) If a campus is assigned an unacceptable rating under TEC, §39.054(e) for a fifth consecutive year, the commissioner shall order the appointment of a board of managers to govern the district or closure of the campus.
- (e) If a campus was assigned an unacceptable rating in the prior year but met standard in the current year, the campus will continue to engage in TAIS activities outlined in subsection (a) of this section with the following exceptions:
 - (1) the campus may release its CIT based on criteria set annually by the TEA; and
 - (2) the campus that developed a turnaround plan may modify that plan as described in §97.1064 of this title.
- (f) Based on a campus's progress toward improvement, the commissioner may order a hearing if a campus's performance is below any standard under TEC, §39.054(e).
- (g) Interventions and sanctions listed under this section begin upon release of preliminary ratings and may be adjusted based on final accountability ratings.

§97.1063. Campus Intervention Team.

- ~~[(a) If the performance of a campus is below any standard under Texas Education Code (TEC), §39.054(e), for the current school year, the commissioner of education shall assign a campus intervention team (CIT) under TEC, §39.106, and this section. The duties and responsibilities of the CIT will be based on the reasons for the campus' academic accountability rating.]~~
 - ~~[(1) In assigning a CIT to a campus below a standard under TEC, §39.054(e), for the first year, the commissioner will offer the school district an opportunity to recommend CIT members under procedures established by the Texas Education Agency (TEA).]~~
 - ~~[(A) If the district does not recommend CIT members under TEA procedures, the commissioner will assign a CIT without such input.]~~
 - ~~[(B) If the commissioner does not approve the CIT membership recommendation by the district, the commissioner will assign the CIT members.]~~
 - ~~[(2) In assigning a CIT to a campus below a standard under TEC, §39.054(e), for the second or more consecutive year, the commissioner will approve CIT members only as provided by procedures established by the TEA.]~~
 - ~~[(3) If the campus does not implement the school improvement plan (SIP) or the recommendations of the CIT, the commissioner shall order the reconstitution of the campus in accordance with TEC, §39.107, and §97.1064 of this title (relating to Reconstitution).]~~
- ~~[(b) A CIT shall:]~~
 - ~~[(1) conduct a targeted on-site needs assessment relevant to the areas of insufficient performance of the campus as provided by subsection (c) of this section, or if the commissioner determines necessary, a comprehensive on-site needs assessment using the procedures provided by subsection (c) of this section;]~~
 - ~~[(2) recommend appropriate actions as provided by subsection (d) of this section;]~~
 - ~~[(3) assist the campus in developing a SIP targeted to address the needs of the campus relating to the areas of insufficient performance;]~~
 - ~~[(4) assist the campus in submitting its SIP to its board of trustees for approval and in presenting the board of trustees' SIP in a public hearing as provided by subsection (j) of this section; and]~~
 - ~~[(5) assist the commissioner in monitoring the progress of the campus in implementing the SIP.]~~
- ~~[(c) An on-site needs assessment of the campus under subsection (a) of this section must determine the contributing education-related and other factors resulting in the campus' low performance and lack of]~~

- ~~progress. The CIT shall use the guidelines and procedures provided by TEC, §39.106(b), in conducting the targeted or comprehensive on-site needs assessment.]~~
- ~~[(d) — On completing the on-site needs assessment under this section, the CIT shall recommend actions relating to any area of insufficient performance, including those specified by TEC, §39.106(e).]~~
- ~~[(e) — The CIT shall assist the campus in submitting the SIP or updated SIP to the commissioner for approval. The board of trustees shall ensure that the campus submits its SIP by a date prescribed by the TEA.]~~
- ~~[(f) — A school community partnership team (SCPT) shall supersede the authority of and satisfy the requirements of establishing and maintaining a campus level planning and decision-making committee under TEC, Chapter 11, Subchapter F, or §97.1061(c) of this title (relating to Interventions and Sanctions for Campuses), if this is provided by the commissioner in establishing the SCPT under §97.1061(a)(2) of this title. In that event, the CIT shall involve and be advised by the SCPT in carrying out the duties set forth in subsections (b)(1) and (d) of this section.]~~
- ~~[(g) — The commissioner may authorize a SIP or updated SIP developed under this subchapter to supersede the provisions of and satisfy the requirements of developing, reviewing, and revising a campus improvement plan (CIP) under TEC, Chapter 11, Subchapter F, or §97.1061(c) of this title.]~~
- ~~[(h) — In assisting the district/campus to execute its approved SIP, the CIT will, as appropriate:]~~
- ~~[(1) — assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs and financial management;]~~
- ~~[(2) — provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation support, and budget analysis, in order to help the campus strengthen and improve its instructional programs; and]~~
- ~~[(3) — request the district to develop a teacher recruitment and retention plan to address the qualifications and retention of the teachers at the campus. At the recommendation of the CIT, the commissioner may require the district to develop such a plan.]~~
- ~~[(i) — For each year a campus is assigned an unacceptable performance rating under the state academic accountability system, a CIT shall:]~~
- ~~[(1) — continue to work with the campus until:]~~
- ~~[(A) — the campus satisfies all performance standards under TEC, §39.054(e), for a two-year period; or]~~
- ~~[(B) — the campus satisfies all performance standards under TEC, §39.054(e), for a one-year period and the commissioner determines that the campus is operating and will continue to operate in a manner that improves student achievement;]~~
- ~~[(2) — assist in updating the SIP to identify and analyze areas of growth and areas that require improvement; and]~~
- ~~[(3) — assist the campus in submitting its updated SIP to its board of trustees.]~~
- ~~[(j) — After a SIP or updated SIP is submitted to the board of trustees of the school district, the board:]~~
- ~~[(1) — shall conduct a hearing for the purpose of:]~~
- ~~[(A) — notifying the public of the insufficient performance, the improvements in performance expected by the TEA, and the intervention measures or sanctions that may be imposed under this subchapter if the performance does not improve within a designated period; and]~~
- ~~[(B) — soliciting public comment on the SIP or any updated SIP;]~~
- ~~[(2) — must post the SIP on the district's Internet website at least 72 hours before the hearing;]~~

~~[(3) — may conduct one hearing relating to one or more campuses subject to a SIP or an updated SIP; and]~~

~~[(4) — after modifying the SIP in response to public comment, as appropriate, shall submit the SIP or any updated SIP to the commissioner for approval. The SIP submitted to the commissioner for approval may include procedures for submitting certain changes or adjustments to the commissioner for approval without the necessity of further board hearing and action under this subsection.]~~

~~[(k) — Notwithstanding any other provision of this subchapter, if the commissioner determines that a campus for which an intervention is ordered under subsection (a) of this section is not fully implementing the CIT's recommendations or SIP or updated SIP, the commissioner may order the reconstitution of the campus as provided by TEC, §39.107, and §97.1064 of this title.]~~

§97.1063. Campus Intervention Team.

~~(a) — The campus intervention team (CIT) shall perform the duties outlined in Texas Education Code (TEC), §39.106, and oversee the activities outlined in §97.1061(a) of this title (relating to Interventions and Sanctions for Campuses) and §97.1064 of this title (relating to Campus Turnaround Plan).~~

~~(b) — The CIT must include:~~

~~(1) — a professional service provider (PSP); and~~

~~(2) — a district coordinator of school improvement (DCSI). The DCSI must submit qualifications to the Texas Education Agency (TEA) for approval.~~

~~(c) — The CIT shall perform the duties referenced in subsection (a) of this section in collaboration with the campus leadership team (CLT) as outlined in §97.1061(a) of this title and §97.1064 of this title.~~

~~(d) — CIT members as defined in subsection (b) of this section and the campus principal shall attend TEA-sponsored trainings on interventions and sanctions.~~

[§97.1064. Reconstitution.]

~~[(a) — When a campus is assigned an unacceptable performance rating under the state academic accountability system for two consecutive school years, the commissioner of education shall order the campus reconstituted under procedures developed by the Texas Education Agency (TEA), and the campus intervention team (CIT) will continue to be assigned under §97.1063 of this title (relating to Campus Intervention Team).]~~

~~[(1) — A campus ordered to reconstitute shall use the school year in which its second identification occurs to plan the reconstitution, with the assistance of the district and CIT, and shall open the subsequent school year as a reconstituted campus regardless of the state academic accountability rating assigned to the campus in that school year. For example: A district campus is rated Academically Unacceptable for the second consecutive year on August 1, 2009. In September 2009, the commissioner orders reconstitution, and the district uses the 2009-2010 school year to plan the reconstitution. The district must open the reconstituted campus in the fall of 2010.]~~

~~[(A) — The CIT shall decide which educators may be retained at the campus when it opens as a reconstituted campus for the subsequent school year.]~~

~~[(B) — A principal who has been employed by the campus in that capacity during the full period of campus performance resulting in the ratings triggering action under this subsection may not be retained at the campus when it opens as a reconstituted campus for the subsequent school year unless the CIT determines that retention of the principal would be more beneficial to the student achievement and campus stability than removal.]~~

~~[(C) — A teacher of a subject assessed by an assessment instrument under Texas Education Code (TEC), §39.023, may be retained at the reconstituted campus only if the CIT determines that a pattern exists of significant academic improvement by students taught by the teacher.]~~

- ~~[(D) — If an educator is not retained at the reconstituted campus, the educator may be assigned to another position in the district.]~~
- ~~[(2) — A campus subject to this subsection shall implement the requirements of §97.1063 of this title and shall implement the updated school improvement plan (SIP), including the plan for campus reconstitution, as approved by the commissioner. The TEA may assign a monitor, conservator, management team, or board of managers to a district with a campus assigned an unacceptable performance rating under the state academic accountability system for two or more consecutive school years in order to ensure and oversee district level support to low performing campuses and the implementation of the updated SIP and the reconstitution plan. In making appointments under this subsection, the commissioner shall consider individuals who have demonstrated success in managing campuses with student populations similar to the campus at which the individual appointed will serve.]~~
- ~~[(3) — The commissioner shall order repurposing, alternative management, or campus closure under §97.1065 of this title (relating to Repurposing, Alternative Management, or Campus Closure) when a campus assigned an unacceptable performance rating under the state academic accountability system for two or more consecutive school years has failed to fully implement recommendations of the CIT or terms of the updated SIP and the reconstitution plan or if the students enrolled at the campus fail to demonstrate substantial improvement in the areas targeted by the updated SIP and such order is needed to achieve the purposes listed in §97.1053 of this title (relating to Purpose).]~~
- ~~[(b) — The district is responsible for the successful reconstitution and subsequent performance of its campus. The CIT shall assist the reconstituting campus in:]~~
- ~~[(1) — developing an updated SIP;~~
- ~~[(2) — submitting the updated SIP to the board of trustees of the school district for approval and presenting the plan in a public hearing as provided by §97.1063(j) of this title;]~~
- ~~[(3) — seeking approval of the updated SIP from the commissioner; and]~~
- ~~[(4) — executing the plan on approval by the commissioner.]~~
- ~~[(c) — For each year that a campus is considered to have an unacceptable performance rating under the state academic accountability system, a CIT shall:]~~
- ~~[(1) — assist in updating the SIP to identify and analyze areas of growth and areas that require improvement; and]~~
- ~~[(2) — support and assist the campus in submitting its updated SIP to the board of trustees of the school district, to the parents of campus students, and to the TEA for approval.]~~
- ~~[(d) — In combination with action under this section, the commissioner may impose on the district or campus any other sanction under TEC, Chapter 39, or this subchapter, singly or in combination, to the extent the commissioner determines is reasonably required to achieve the purposes specified in §97.1053 of this title. In particular, the commissioner may:]~~
- ~~[(1) — impose a campus accreditation sanction under §97.1061 of this title (relating to Interventions and Sanctions for Campuses);]~~
- ~~[(2) — take action under any provision of TEC, Chapters 12 or 39; and/or]~~
- ~~[(3) — require the district to purchase professional services under TEC, §39.109.]~~
- ~~[(A) — The commissioner's order may require the district or campus to:]~~
- ~~[(i) — select or be assigned an external auditor, data quality expert, professional authorized to monitor district assessment instrument administration, or curriculum or program expert; or]~~

~~[(ii) — provide for or participate in the appropriate training of district staff or board of trustee's members in the case of a district or campus staff in the case of a campus.]~~

~~[(B) — If the commissioner's order requires the district or campus to select a specific professional service provider, the district is exempt from following competitive bidding procedures before executing the contract.]~~

§97.1064. Campus Turnaround Plan.

- (a) If a campus is assigned an unacceptable rating under Texas Education Code (TEC), §39.054(e), for two consecutive years, the campus must develop a campus turnaround plan to be approved by the commissioner of education in accordance with TEC, §39.107.
- (b) A charter campus subject to this section must revise its charter in accordance with §100.1033 of this title (relating to Charter Amendment). The governing board of the charter performs the function of the board of trustees for this section.
- (c) The district may request assistance from a regional education service center or partner with an institution of higher education in developing and implementing a campus turnaround plan.
- (d) Within 60 days of receiving a campus's preliminary accountability rating the district must notify parents and community members that the campus received an unacceptable rating for two consecutive years and request assistance in developing the campus turnaround plan.
 - (1) The district shall notify stakeholders of their ability to review the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees as described in TEC, §39.107(b-3).
 - (2) All input provided by family and community members must be considered in the development of the final campus turnaround plan submitted to the Texas Education Agency (TEA).
- (e) The district shall provide the following groups an opportunity to review and comment on the completed plan before it is submitted for approval to the board of trustees:
 - (1) the campus-level committee established under TEC, §11.251. If the campus is not required to have a campus-level committee under TEC, §11.251, the district shall provide an opportunity for professional staff at the campus to review and comment on the campus turnaround plan;
 - (2) teachers at the campus;
 - (3) parents; and
 - (4) community members.
- (f) A campus turnaround plan must include:
 - (1) a detailed description of the academic programs to be offered at the campus, including instructional methods, length of school day and school year, academic credit and promotion criteria, and programs to serve special student populations;
 - (2) a detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources;
 - (3) written comments received from stakeholders described in subsection (e) of this section; and
 - (4) the term of the charter, if a district charter is to be granted for the campus under TEC, §12.0522.
- (g) Upon approval of the board of trustees, the district must submit the campus turnaround plan electronically to the TEA by March 1 unless otherwise specified.
- (h) A campus may implement, modify, or withdraw its campus turnaround plan with board approval if the campus receives an academically acceptable rating for the school year following the development of the campus turnaround plan.

§97.1065. Commissioner Determinations for Decisions Preceding ~~[Repurposing,~~ Alternative Management, ~~[or] Campus Closure , or Board of Managers .~~

- (a) Action required. The commissioner of education shall order:
- (1) alternative management or closure of a campus or appoint a board of managers to govern the district if the campus turnaround plan is not approved as outlined in §97.1064 of this title (relating to Campus Turnaround Plan); and
 - (2) closure of a campus or appoint a board of managers to govern the district if the campus is assigned an unacceptable performance rating under the state academic accountability system for three consecutive school years after the campus is ordered to submit a campus turnaround plan as outlined in §97.1064 of this title.
- ~~[(a) Action required. The commissioner of education shall order repurposing, alternative management, or closure of a campus as provided in this section, if the campus is assigned an unacceptable performance rating under the state academic accountability system for the third consecutive school year after reconstitution is required to be implemented under §97.1064 of this title (relating to Reconstitution).]~~
- (b) Other actions permitted. In combination with action under this section, the commissioner may impose on the district or campus any other sanction under Texas Education Code (TEC), Chapter 39, or this subchapter, singly or in combination, to the extent the commissioner determines is reasonably required to achieve the purposes specified in §97.1053 of this title (relating to Purpose). In particular, the commissioner may ~~[impose sanctions as specified in §97.1064(d) of this title and/or may]~~ assign a monitor, conservator, management team, or board of managers in order to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted [school] improvement plan [(SIP)] and the campus turnaround [reconstitution] plan.
- (c) Petition allowed. In accordance with TEC, §39.107(e-2), for a campus subject to an order of ~~[repurposing, alternative management, or]~~ closure or appointment of a board of managers to govern the district under subsection (a) of this section, if a written petition, signed by the parents of a majority of the students enrolled at the campus and specifying the action requested under subsection (a) of this section, is presented to the commissioner in accordance with this section and related procedures adopted by the Texas Education Agency (TEA), the commissioner shall, except as otherwise authorized by this section, order the specific action requested. If the board of trustees of the school district in which the campus is located presents to the commissioner, in accordance with this section and related procedures adopted by the TEA, a written request that the commissioner order a specific action under subsection (a) of this section other than the action requested by the parents in a valid petition, along with a written explanation of the basis for the board's request, the commissioner may order the action requested by the board of trustees.
- (1) A written petition under this subsection must be:
 - (A) finalized and submitted to the district superintendent no later than October 15 for purposes of validation;
 - (B) certified by the district as a valid petition in accordance with paragraph (2) of this subsection;
 - (C) adopted as a valid petition by the board of trustees in an action taken in a public meeting conducted in compliance with the Texas Open Meetings Act; and
 - (D) if determined to be a valid petition, submitted by the district superintendent to the commissioner no later than December 1.
 - (2) Only a written petition determined to be valid in accordance with this section and TEA procedures may be submitted to the commissioner. At a minimum, the following criteria must be met for a petition to be determined valid.
 - (A) The petition must include all information required by the TEA as reflected in TEA model forms and related procedures and must be submitted to the district superintendent in accordance with the deadline established in paragraph (1)(A) of this subsection.

- (B) The petition must clearly state the sanction action under subsection (a) of this section being requested by the parents.
- (C) In accordance with this subparagraph, the parent(s) of more than 50% of the students enrolled at the campus must provide the handwritten or typed name and an original signature on the petition.
 - (i) For the purposes of the petition, a parent means the parent who is indicated on the student registration form at the campus.
 - (ii) A student will be considered enrolled at the campus for the purposes of the petition if the student is enrolled and in membership at the campus on a TEA-determined enrollment snapshot date, as reflected in TEA procedures ~~[(generally the Public Education Information Management System (PEIMS) fall data submission for that school year)]~~.
 - (iii) For the purposes of determining whether parents of more than 50% of the students enrolled at the campus have signed the petition, only one parent signature per enrolled student can be counted by the district in its calculation assuring validity of the petition.
- (3) If the board of trustees of the school district requests that the TEA consider a specific action under subsection (a) of this section other than the action requested by the parents in a valid petition and submitted to the TEA in accordance with this subsection, the board must submit a written request to the commissioner and include a written explanation of the basis for the board's request for an action other than the one reflected in a valid parent petition. Any written request must be:
 - (A) approved by a majority of the board members in an action taken in a public meeting conducted in compliance with the Texas Open Meetings Act; and
 - (B) submitted to the commissioner no later than December 15 in accordance with procedures established by the TEA.
- (4) If a valid parent petition under paragraph (1) of this subsection or board of trustees submission under paragraph (3) of this subsection requests that the commissioner order campus closure, ~~[repurposing]~~ the district must submit, no later than January 30, a comprehensive plan for campus closure ~~[repurposing]~~ that meets the requirements of the TEC, §39.107, and §97.1066 of this title (relating to Campus Closure) ~~[subsection (d) of this section]~~.
- (5) Following the submission to the TEA of a valid petition and any subsequent board request under this section, the commissioner will order, no later than February 15, a sanction in compliance with the TEC, §39.107, and this section. The sanction shall be implemented for the subsequent school year regardless of the state academic accountability rating assigned to the campus in that school year. For example: A campus is assigned an unacceptable performance rating for the fifth ~~[sixth]~~ consecutive year on or around August 8, 2016 ~~[June 15, 2013]~~. In February 2017 ~~[2014]~~, the commissioner orders a sanction under this paragraph. The sanction must be implemented for the 2017-2018 ~~[2014-2015]~~ school year.
- (6) Notwithstanding this subsection, in the case of a charter school granted under the TEC, Chapter 12, Subchapter D or E, the commissioner shall retain authority under the TEC and Chapter 100, Subchapter AA, Division 2, of this title (relating to Commissioner Action and Intervention) to take any adverse action allowed by statute and rule and to approve or disapprove any proposed change in campus or charter structure resulting from a petition or board request under this subsection.

~~[(d) — Campus repurposing.]~~

- ~~[(1) — If the commissioner orders repurposing of a campus under this section, the school district shall develop a comprehensive plan for repurposing the campus and submit the plan to the board of trustees for approval and to the commissioner for approval, using the procedures described by §97.1063 of this title (relating to Campus Intervention Team) for SIP approvals. The plan must include a description of a rigorous and relevant academic program for the campus. The plan may include various instructional models.]~~

- ~~[(2) — The commissioner may not approve the repurposing of a campus unless:]~~
- ~~[(A) — all students in the assigned attendance zone of the campus in the school year immediately preceding the repurposing of the campus are provided with the opportunity to enroll in and are provided transportation on request to a campus approved by the commissioner, unless the commissioner grants an exception because there is no other campus in the district in which the students may enroll;]~~
 - ~~[(B) — the principal is not retained at the campus, unless the commissioner determines that students enrolled at the campus have demonstrated significant academic improvement; and]~~
 - ~~[(C) — teachers employed at the campus in the school year immediately preceding the repurposing of the campus are not retained at the campus, unless the commissioner or the commissioner's designee grants an exception, at the request of a school district, for:]~~
 - ~~[(i) — a teacher who provides instruction in a subject other than a subject for which an assessment instrument is administered under TEC, §39.023(a) or (c), who demonstrates to the commissioner satisfactory performance; or]~~
 - ~~[(ii) — a teacher who provides instruction in a subject for which an assessment instrument is administered under TEC, §39.023(a) or (c), if the district demonstrates that the students of the teacher demonstrated satisfactory performance or improved academic growth on that assessment instrument.]~~
- ~~[(3) — If an educator is not retained under paragraph (2)(C) of this subsection, the educator may be assigned to another position in the district.]~~
- ~~[(e) — Alternative management. The commissioner may order alternative management of a campus under this section and may require the campus to remain open, when:]~~
- ~~[(1) — the commissioner does not approve repurposing of the campus under subsection (d) of this section and does not order the closure of the campus under §97.1051(3) of this title (relating to Definitions);]~~
 - ~~[(2) — the commissioner determines that alternative management has a reasonable expectation of producing an acceptable or higher campus performance rating in the state academic accountability system within three rating cycles of assignment of the alternative management service provider under §97.1067 of this title (relating to Alternative Management of Campuses);]~~
 - ~~[(3) — an alternative management service provider with the necessary skills and required expertise is available under §97.1069 of this title (relating to Providers of Alternative Campus Management); and]~~
 - ~~[(4) — such action is determined warranted under §97.1059 of this title (relating to Standards for All Accreditation Sanction Determinations) and other standards for accreditation sanction determinations;]~~
- ~~[(f) — Closure. The commissioner may order closure of the campus when action is required under this section and:]~~
- ~~[(1) — the commissioner approves neither repurposing of the campus under subsection (d) of this section nor alternative management under subsection (e) of this section;]~~
 - ~~[(2) — the district fails to enter into a contract for alternative management under §97.1067 of this title as required by §97.1067 of this title; or]~~
 - ~~[(3) — the commissioner does not approve the contract for alternative management under §97.1067 of this title; and]~~
 - ~~[(4) — such action is determined warranted under §97.1059 of this title and other standards for accreditation sanction determinations;]~~

- ~~[(g) Alternative management unsuccessful. The commissioner shall order closure of a campus when alternative management of the campus was ordered under this section and:]~~
- ~~[(1) the district resumed operation of the campus under TEC, §39.107(n); and]~~
- ~~[(2) for the school year immediately following resumption of operations, the campus is assigned an unacceptable performance rating under the state academic accountability system.]~~
- ~~[(h) Appeal. An order proposing action under this section may be appealed only as provided by Chapter 157, Subchapter EE, of this title (relating to Informal Review, Formal Review, and Review by State Office of Administrative Hearings).]~~
- ~~[(i) Waiver. The commissioner may waive the requirement to enter an order under subsection (a) of this section for not more than one school year if the commissioner determines that, on the basis of significant improvement in student performance over the preceding two school years, the campus is likely to be assigned an acceptable performance rating under the state academic accountability system for the following school year.]~~
- (d) ~~[(j)]~~ Targeted technical assistance. In addition to the grounds specified in TEC, §39.109, if the commissioner determines that the basis for the unsatisfactory performance of a campus for more than two consecutive school years is limited to a specific condition that may be remedied with targeted technical assistance, the commissioner may require the district to contract for the appropriate technical assistance, including, but not limited to, the district's regional education service center and/or an institution of higher education.
- ~~[(k) Lack of improvement. The commissioner shall order repurposing, alternative management, or campus closure under this section if the students enrolled at a campus assigned an unacceptable performance rating under the state academic accountability system for two or more consecutive school years fail to demonstrate substantial improvement in the areas targeted by the campus' updated SIP and such order is needed to achieve the purposes listed in §97.1053 of this title. If the commissioner orders repurposing, alternative management, or campus closure under this subsection, a district may submit a request to the TEA to defer the sanction action to provide the commissioner an opportunity to review the academic progress of the campus during the school year subsequent to the performance rating leading to the order. If the commissioner grants a district's deferral request under this subsection and subsequently determines that a sanction will be ordered, the district may not appeal under TEC, §39.152, the final sanction order of the commissioner.]~~

§97.1066. Campus Closure.

- (a) Closure ordered under §97.1065 of this title (relating to Commissioner Determinations for Decisions Preceding Alternative Management, Campus Closure, or Board of Managers) will take effect at a date determined by the commissioner of education.
- (b) A closed campus may still be used if the campus:
- (1) serves a majority of grade levels not served at the original campus;
 - (2) serves a majority of students who did not attend that campus the previous year; and
 - (3) offers a distinctly different academic program.
- (c) Any student assigned to the closed campus must be allowed to attend any other campus in the district.
- (d) The commissioner may grant an exemption allowing students assigned to a closed campus to attend the repurposed campus if there is no other campus in the district at which the students may enroll.

§97.1067. Alternative Management of Campuses.

- (a) By January 1 of the school year for which alternative management of a campus is ordered under §97.1065 of this title (relating to Commissioner Determinations for Decisions Preceding Alternative Management, Campus Closure, or Board of Managers) ~~[(relating to Repurposing, Alternative Management, or Campus Closure)]~~, the school district shall:
- (1) execute a contract in compliance with this section; and

- (2) relinquish control over the campus to a service provider approved under §97.1069 of this title (relating to Providers of Alternative Campus Management).
- (b) A contract under this section must be executed by the district and the service provider and must:
 - (1) relinquish all authority to perform the duties and responsibilities of a principal under Texas Education Code (TEC), §11.202(b)(1)-(6), with respect to the campus;
 - (2) comply with TEC, §39.107(m)-(o); this section; and the requirements and performance measures established by the Texas Education Agency (TEA) under §97.1069 of this title;
 - (3) provide for the creation, maintenance, retention, and transfer of all public records concerning the campus;
 - (4) include provisions governing liability for damages, costs, and other penalties for acts or omissions by the service provider, including failure to comply with federal or state laws;
 - (5) provide for termination of the contract if:
 - (A) the campus is assigned an acceptable or higher performance rating under the state academic accountability system for two consecutive school years; or
 - (B) the commissioner of education orders campus closure under §97.1065 [~~§97.1065(f) or (g)~~] of this title;
 - (6) specify additional roles or responsibilities assumed by the service provider, if any;
 - (7) be approved by written resolution of the district's board of trustees; and
 - (8) be approved in writing by the commissioner.
- (c) The service provider may perform the duties and responsibilities of a principal, and in addition may make requests and recommendations to the district concerning all aspects of campus administration, including personnel and budget decisions.
 - (1) If a request is denied or a recommendation is not implemented by the district, the service provider shall report to the TEA both its request or recommendation and the district's action in response.
 - (2) The commissioner may implement additional sanctions under this subchapter and consider such reports under TEC, §39.108 and §39.107(n), as well as §97.1065(b) of this title.
- (d) The funding for the campus must be not less than the funding of the other campuses operated by the district on a per-student basis so that the service provider receives at least as much funding as the campus would otherwise have received. The district must continue to support:
 - (1) campus maintenance and operations;
 - (2) transportation;
 - (3) food services;
 - (4) extracurricular activities;
 - (5) central office support services;
 - (6) state assessment administration; and
 - (7) similar operational expenses of the campus.
- (e) A campus operated by a service provider under this section remains a campus of the district. Educators and staff assigned to work at the campus are district employees for all purposes. The campus is not subject to TEC, §11.253.
- (f) The commissioner shall order closure of a campus when alternative management of the campus was ordered under this section and:
 - (1) the district resumed operation of the campus under TEC, §39.107(n); and

(2) for the school year immediately following resumption of operations, the campus is assigned an unacceptable performance rating under the state academic accountability system.

(g) ~~(f)~~ A district subject to this section shall comply fully with TEA requests for information for the purpose of evaluating implementation of the contract, student performance, and management of the campus.

(h) ~~(g)~~ A district that violates the terms of its contract under this section is subject to further sanctions under this subchapter.